

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

NANCY SUZOR and
DAVID SUZOR,

Plaintiffs,

Case No. 14-11167
Honorable Thomas L. Ludington

v.

GREEN TREE SERVICING, LLC, and
BANK OF AMERICA, N.A.,

Defendants.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING COMPLAINT WITH PREJUDICE**

On March 19, 2014, Green Tree Servicing, LLC (Green Tree) removed this case from Michigan state court. *See* Notice Removal, ECF No. 1. All pretrial matters in the case were then referred to United States Magistrate Judge Patricia Morris pursuant to 28 U.S.C. § 636(b)(1).

On April 14, 2014, Green Tree filed a motion to dismiss the claims against it. On June 5, 2014, Judge Morris issued a report recommending that Green Tree's motion be granted, and that Bank of America, N.A. be sua sponte dismissed. Report & Rec. 1, ECF No. 9. Although Judge Morris's report explicitly stated that the parties may object to and seek review of the recommendation within 14 days of service of the report, as of today's date, no party has filed objections. The failure to object to Judge Morris's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Moreover, the failure to file objections to the report waives any further right to appeal. *See Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, it is **ORDERED** that Judge Morris's report and recommendation, ECF No. 9, is **ADOPTED**.

It is further **ORDERED** that Green Tree's motion to dismiss, ECF No. 5, is **GRANTED**.

It is further **ORDERED** that Bank of America, N.A., is *sua sponte* **DISMISSED**.

It is further **ORDERED** that the Plaintiffs' complaint, ECF No. 1, is **DISMISSED** with prejudice. This is a final order and closes the case.

Dated: June 27, 2014

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon Attorney Courtney A. Krause by electronic means and upon Attorney John A.M. Ferguson at P.O. Box 838, Elk Rapids, MI 49629 by first class U.S. mail on June 27, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS